

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 27, drawn to a method comprising (i) contacting a test compound with a polypeptide and (ii) detecting binding.

Group II, claim(s) 28-37, drawn to a method comprising (i) determining activity of a polypeptide and (ii) determining activity of a polypeptide.

Group III, claim(s) 38-43, drawn to a method comprising (i) contacting a test compound with a polynucleotide and (ii) detecting binding.

Group IV, claim(s) 44, drawn to a method comprising (i) determining the amount of a polynucleotide and (ii) determining the amount of a polynucleotide.

Group V, claim(s) 45, drawn to a pharmaceutical composition comprising a small molecule.

Group VI, claim(s) 45-46, drawn to a pharmaceutical composition comprising an RNA molecule.

Group VII, claim(s) 45, drawn to a pharmaceutical composition comprising an antibody.

Group VIII, claim(s) 45 and 47, drawn to a pharmaceutical composition comprising a polypeptide.

The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature, RNPEP-like polypeptide, does not make a contribution over the prior art as evidenced by Plowman, et al. (U.S. 2004/0063107, p.62).

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- 1) a cellular system or a cell-free system;
- 2) an RNPEP-like polynucleotide, an antisense oligonucleotide, or a ribozyme.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Claims 31, 32, 40, and 41 are to species 1) a cellular system or a cell-free system;  
Claims 45-47 are to species 2) an RNPEP-like polynucleotide, an antisense oligonucleotide, or a ribozyme.

The following claim(s) are generic: 29 and 45.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special

technical features for the following reasons: the species have different modes of operation or are mutually exclusive.

### ***Conclusion***

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER PITRAK whose telephone number is (571)270-3061. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Pitrak, PhD  
Examiner, Art Unit 1635

/Tracy Vivlemore/  
Primary Examiner, Art Unit 1635